

REMARKS

The Office Action mailed March 23, 2005, has been carefully reviewed and the foregoing amendment and following remarks have been made in consequence thereof.

Claims 1-17, 19 and 20 are pending in this application. Claims 1-17, 19 and 20 stand rejected. Claim 18 is canceled.

The rejection of Claims 1-17, 19 and 20 under 35 U.S.C. § 103 as being unpatentable over Shrader (U.S. Pat. No. 6,720,979) in view of Sharples et al. (U.S. Pat. No. 6,240,450) is respectfully traversed.

Shrader describes a graphics control display mechanism 30 that is implemented as a client-side process that is implemented as a computer program such as a Java applet, a browser plug-in, a standalone application written in native code, a distinct process built into the web browser, or part of the integral web browser functionality. The mechanism allows the user to view the frames of the animated graphic, to halt the animation on a selected frame, to add a new frame, to delete a frame, to edit/modify a given frame, to alter the sequence of frames, and to modify a speed of the animation. In addition, the mechanism enables the user to cache given frames of the animation and to save the changes across browser cache flushes.

Sharples et al. describe a network data visualization system wherein a user accesses a web page using a browser, a server authenticates the user by returning an authorization page that prompts the user for a password. If the user enters a valid password, the server returns a web page containing data visualization software in the form of one or more applets. The data visualization software running on the user station retrieves network data from a database, processes the retrieved network data for visualization, and displays the network data to the user. The network data may include telephone call records, traffic data, or traffic management statistics.

Applicants respectfully submit that the Section 103 rejection of the presently pending claims is not a proper rejection. Obviousness cannot be established by merely suggesting that it would have been an obvious to one of ordinary skill in the art to modify Shrader according to the teachings of Sharples et al. More specifically, it is respectfully submitted that a prima

facie case of obviousness has not been established. As explained by the Federal Circuit, “to establish obviousness based on a combination of the elements disclosed in the prior art, there must be some motivation, suggestion or teaching of the desirability of making the specific combination that was made by the applicant.” In re Kotzab, 54 USPQ2d 1308, 1316 (Fed. Cir. 2000). MPEP 2143.01.

Moreover, the Federal Circuit has determined that:

[I]t is impermissible to use the claimed invention as an instruction manual or “template” to piece together the teachings of the prior art so that the claimed invention is rendered obvious. This court has previously stated that “[o]ne cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention.”

In re Fitch, 23 USPQ2d 1780, 1784 (Fed. Cir. 1992). Further, under Section 103, “it is impermissible . . . to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art.” In re Wesslau, 147 USPQ 391, 393 (CCPA 1965). Rather, there must be some suggestion, outside of Applicants’ disclosure, in the prior art to combine such references, and a reasonable expectation of success must be both found in the prior art, and not based on Applicants’ disclosure. In re Vaeck, 20 U.S.P.Q.2d 1436 (Fed. Cir. 1991). In the present case, neither a suggestion nor motivation to combine the cited art, nor any reasonable expectation of success has been shown.

Applicants respectfully disagree with the assertion in the Office Action that Shrader teach the present invention except for “limiting access to the data files to authorized individuals”, and that Sharples et al. teaches that limiting access to the data files to authorized individuals is well known in the art. Moreover, Applicants submit that there is no teaching nor suggestion in the cited art for the claimed combination, and as such, the Section 103 rejection appears to be based on a hindsight reconstruction in which isolated disclosures have been picked and chosen in an attempt to deprecate the present invention. Specifically, Shrader is cited for its teaching of a graphics control display mechanism implemented as a computer program running on a client that allows the user to control display of the frames of the animated graphic, and Sharples et al. is cited for its teaching of a network data visualization system wherein a server authenticates the user by prompting the user for a password. Of course, such a combination, based on hindsight reconstruction, is

impermissible, and for this reason alone, Applicants request that the Section 103 rejection of Claims 1-17, 19 and 20 be withdrawn.

Furthermore, Applicants respectfully submit that no motivation for the combination can be found within Shrader and Sharples et al, as Shrader and Sharples et al. teach away from each other. Specifically, Shrader describe a graphics control display mechanism that is implemented as a client-side process such as a Java applet, a browser plug-in, a standalone application written in native code, a distinct process built into the web browser, or part of the integral web browser functionality, and in contrast, Sharples et al. describe data visualization software running on the user station that retrieves network data, including telephone call records, traffic data, or traffic management statistics, from a database, processes the retrieved network data for visualization, and displays the network data to the user.

If art “teaches away” from a claimed invention, such a teaching supports the nonobviousness of the invention. U.S. v. Adams, 148 USPQ 479 (1966); Gillette Co. v. S.C. Johnson & Son, Inc., 16 USPQ2d 1923, 1927 (Fed. Cir. 1990). In light of this standard, it is respectfully submitted that the cited art, as a whole, is not suggestive of the presently claimed invention. More specifically, Applicants respectfully submit that Shrader teaches away from Sharples et al., and as such, there is no suggestion or motivation to combine Shrader with Sharples et al.

Moreover, no combination of Shrader and Sharples et al., describes or suggests the claimed combination, and as such, the presently pending claims are patentably distinguishable from the cited combination. Specifically, Claim 1 recites a method for displaying web-based data files, said method comprising the steps of “providing a centralized web structure for storing a plurality of web-based data files, limiting access to the data files to authorized individuals, storing the plurality of web-based files within the centralized web structure, and displaying the plurality of web-based data files in a simulated animated format, such that a user controls at least one of an animation speed, and an activation of the animation.”

Neither Shrader nor Sharples et al., considered alone or in combination, describe or suggest a centralized web structure for storing a plurality of web-based data files. Rather, in contrast to the present invention, Shrader describe a graphics control display mechanism that is implemented as a client-side process such as a computer program, for example, a Java

applet, a browser plug-in, a standalone application written in native code, a distinct process built into the web browser, or part of the integral web browser functionality, and Sharples et al. describe data visualization software running on the user station that retrieves network data, including telephone call records, traffic data, or traffic management statistics, from a database, processes the retrieved network data for visualization, and displays the network data to the user, but neither Shrader nor Sharples et al., considered alone or in combination, describe or suggest a centralized web structure for storing a plurality of web-based data files.

For at least the reasons set forth above, Claim 1 is submitted to be patentable over Shrader in view of Sharples et al.

Claim 2 depends from independent Claim 1. When the recitations of Claim 2 are considered in combination with the recitations of Claim 1, Applicants submit that dependent Claim 2 likewise is patentable over Shrader in view of Sharples et al.

Claim 6 recites “a customer applications web-site for displaying a plurality of data files in a simulated animated format, the data files individually saved and access to the data files is limited to authorized individuals, said web site including an interactive control panel configured to permit an end-user to control the animation display including at least one of a speed of animation and an activation of the animation display.”

Neither Shrader nor Sharples et al., considered alone or in combination, describe or suggest a customer applications web-site for displaying a plurality of data files in a simulated animated format. Rather, in contrast to the present invention, Shrader describe a graphics control display mechanism that is implemented as a client-side process such as a computer program, for example, a Java applet, a browser plug-in, a standalone application written in native code, a distinct process built into the web browser, or part of the integral web browser functionality, and Sharples et al. describe data visualization software running on the user station that retrieves network data, including telephone call records, traffic data, or traffic management statistics, from a database, processes the retrieved network data for visualization, and displays the network data to the user, but neither Shrader nor Sharples et al., considered alone or in combination, describe or suggest a customer applications web-site for displaying a plurality of data files in a simulated animated format. For at least the reasons set forth above, Claim 6 is submitted to be patentable over Shrader in view of Sharples et al.

Claims 7 and 9-12 depend from independent Claim 6. When the recitations of Claims 7 and 9-12 are considered in combination with the recitations of Claim 6, Applicants submit that dependent Claims 7 and 9-12 likewise are patentable over Shrader in view of Sharples et al.

Claim 13 recites a web-based system comprising “a client system comprising a browser, a data storage device for storing a plurality of data files such that access to the plurality of data files is limited to authorized individuals, and a server system configured to be coupled to said client system and said database, said browser configured to display the data files from a web page that includes a viewer for displaying the plurality files in a simulated animated format, said browser further configured to permit an end-user to determine a sequential order of the data files.”

Neither Shrader nor Sharples et al., considered alone or in combination, describe or suggest a web-based system including a browser that is configured to display the data files from a web page that includes a viewer for displaying the plurality files in a simulated animated format. Rather, in contrast to the present invention, Shrader describe a graphics control display mechanism that is implemented as a client-side process such as a computer program, for example, a Java applet, a browser plug-in, a standalone application written in native code, a distinct process built into the web browser, or part of the integral web browser functionality, and Sharples et al. describe data visualization software running on the user station that retrieves network data, including telephone call records, traffic data, or traffic management statistics, from a database, processes the retrieved network data for visualization, and displays the network data to the user, but neither Shrader nor Sharples et al., considered alone or in combination, describe or suggest a web-based system including a browser that is configured to display the data files from a web page that includes a viewer for displaying the plurality files in a simulated animated format. For at least the reasons set forth above, Claim 13 is submitted to be patentable over Shrader in view of Sharples et al.

For the reasons set forth above, Applicants respectfully request that the Section 103 rejection of Claims 1, 2, 6, 7, and 9-13 be withdrawn.

The rejection of Claims 3-5, 8 and 14-20 under 35 U.S.C. § 103 as being unpatentable over Shrader (U.S. Pat. No. 6,720,979) in view of Sharples et al. (U.S. Pat. No. 6,240,450) and further in view of Gabler et al. (U.S. Pat. No. 6,300,959) is respectfully traversed.

Shrader and Sharples et al. are described above. Gabler et al. describe a method for reducing file size of an animated GIF file by selectively discarding portions of the animated GIF data stream while preserving its animation characteristics. The animated GIF data stream is condensed or reduced by discarding every other image, maintaining first and last images and discarding alternate images in between, or discarding every third image.

Applicants respectfully submit that the Section 103 rejection of the presently pending claims is not a proper rejection. Obviousness cannot be established by merely suggesting that it would have been an obvious to one of ordinary skill in the art to modify Shrader according to the teachings of Sharples et al. and Gabler et al. More specifically, it is respectfully submitted that a prima facie case of obviousness has not been established. As explained by the Federal Circuit, “to establish obviousness based on a combination of the elements disclosed in the prior art, there must be some motivation, suggestion or teaching of the desirability of making the specific combination that was made by the applicant.” In re Kotzab, 54 USPQ2d 1308, 1316 (Fed. Cir. 2000). MPEP 2143.01.

Moreover, the Federal Circuit has determined that:

[I]t is impermissible to use the claimed invention as an instruction manual or “template” to piece together the teachings of the prior art so that the claimed invention is rendered obvious. This court has previously stated that “[o]ne cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention.”

In re Fitch, 23 USPQ2d 1780, 1784 (Fed. Cir. 1992). Further, under Section 103, “it is impermissible . . . to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art.” In re Wesslau, 147 USPQ 391, 393 (CCPA 1965). Rather, there must be some suggestion, outside of Applicants’ disclosure, in the prior art to combine such references, and a reasonable expectation of success must be both found in the prior art, and not based on Applicants’ disclosure. In re Vaeck, 20 U.S.P.Q.2d 1436 (Fed. Cir. 1991). In the present case, neither a suggestion nor motivation to combine the cited art, nor any reasonable expectation of success has been shown.

Applicants respectfully disagree with the assertion in the Office Action that would have been obvious to provide the animated images in a compressed format such as GIF or

JPEG because it reduces the required memory for storing images in these formats due to its compression. None of Shrader, Sharples et al., nor Gabler et al., alone or in combination, describe or suggest storing the plurality of JPEG images within the centralized web structure; and displaying the plurality of JPEG images in a simulated animated format, such that a user controls at least one of an animation speed, and an activation of the animation.. Shrader and Sharples et al. merely describe animated GIF format files and Gabler et al. describe that JPEG is a popular image compression technique. Moreover, Applicants submit that there is no teaching nor suggestion in the cited art for the claimed combination, and as such, the Section 103 rejection appears to be based on a hindsight reconstruction in which isolated disclosures have been picked and chosen in an attempt to deprecate the present invention. Specifically, Shrader is cited for its teaching of a graphics control display mechanism implemented as a computer program running on a client that allows the user to control display of the frames of the animated graphic, Sharples et al. is cited for its teaching of a network data visualization system wherein a server authenticates the user by prompting the user for a password, and Gabler et al. is cited for its teaching of JPEG compression being a popular compression technique for image files. Of course, such a combination, based on hindsight reconstruction, is impermissible, and for this reason alone, Applicants request that the Section 103 rejection of Claims 3-5, 8, and 14-20 be withdrawn.

Furthermore, Applicants respectfully submit that no motivation for the combination can be found within Shrader and Sharples et al, as Shrader and Sharples et al. teach away from each other. Specifically, Shrader describe a graphics control display mechanism that is implemented as a client-side process such as a Java applet, a browser plug-in, a standalone application written in native code, a distinct process built into the web browser, or part of the integral web browser functionality, and in contrast, Sharples et al. describe data visualization software running on the user station that retrieves network data, including telephone call records, traffic data, or traffic management statistics, from a database, processes the retrieved network data for visualization, and displays the network data to the user and Gabler et al. describe that JPEG compression is a popular form of compression for images, but do not describe using JPEG for displaying the plurality of JPEG images in a simulated animated format.

If art “teaches away” from a claimed invention, such a teaching supports the nonobviousness of the invention. U.S. v. Adams, 148 USPQ 479 (1966); Gillette Co. v. S.C.

Johnson & Son, Inc., 16 USPQ2d 1923, 1927 (Fed. Cir. 1990). In light of this standard, it is respectfully submitted that the cited art, as a whole, is not suggestive of the presently claimed invention. More specifically, Applicants respectfully submit that Shrader teaches away from Sharples et al. and Gabler et al., and as such, there is no suggestion or motivation to combine Shrader with Sharples et al. and Gabler et al.

Moreover, no combination of Shrader and Sharples et al. and Gabler et al., describe or suggest the claimed combination, and as such, the presently pending claims are patentably distinguishable from the cited combination. Specifically, Claim 1 recites a method for displaying web-based data files, said method comprising the steps of “providing a centralized web structure for storing a plurality of web-based data files, limiting access to the data files to authorized individuals, storing the plurality of web-based files within the centralized web structure, and displaying the plurality of web-based data files in a simulated animated format, such that a user controls at least one of an animation speed, and an activation of the animation.”

None of Shrader, Sharples et al., nor Gabler et al., alone or in combination, describe or suggest a centralized web structure for storing a plurality of web-based data files. Rather, in contrast to the present invention, Shrader describe a graphics control display mechanism that is implemented as a client-side process such as a computer program, for example, a Java applet, a browser plug-in, a standalone application written in native code, a distinct process built into the web browser, or part of the integral web browser functionality, Sharples et al. describe data visualization software running on the user station that retrieves network data, including telephone call records, traffic data, or traffic management statistics, from a database, processes the retrieved network data for visualization, and displays the network data to the user, and Gabler et al. describe that JPEG is a popular image compression technique, but none of Shrader, Sharples et al., nor Gabler et al., alone or in combination, describe or suggest a centralized web structure for storing a plurality of web-based data files. For at least the reasons set forth above, Claim 1 is submitted to be patentable over Shrader in view of Sharples et al. and further in view of Gabler et al.

Claims 3-5 depend from independent Claim 1. When the recitations of Claims 3-5 are considered in combination with the recitations of Claim 1, Applicants submit that dependent

Claims 3-5 likewise are patentable over Shrader in view of Sharples et al. and further in view of Gabler et al.

Claim 6 recites “a customer applications web-site for displaying a plurality of data files in a simulated animated format, the data files individually saved and access to the data files is limited to authorized individuals, said web site including an interactive control panel configured to permit an end-user to control the animation display including at least one of a speed of animation and an activation of the animation display.”

None of Shrader, Sharples et al., nor Gabler et al., alone or in combination, describe or suggest a customer applications web-site for displaying a plurality of data files in a simulated animated format. Rather, in contrast to the present invention, Shrader describe a graphics control display mechanism that is implemented as a client-side process such as a computer program, for example, a Java applet, a browser plug-in, a standalone application written in native code, a distinct process built into the web browser, or part of the integral web browser functionality, Sharples et al. describe data visualization software running on the user station that retrieves network data, including telephone call records, traffic data, or traffic management statistics, from a database, processes the retrieved network data for visualization, and displays the network data to the user, and Gabler et al. describe that JPEG is a popular image compression technique, but none of Shrader, Sharples et al., nor Gabler et al. a customer applications web-site for displaying a plurality of data files in a simulated animated format. For at least the reasons set forth above, Claim 6 is submitted to be patentable over Shrader in view of Sharples et al. and further in view of Gabler et al.

Claim 8 depends from independent Claim 6. When the recitations of Claim 8 are considered in combination with the recitations of Claim 6, Applicants submit that dependent Claim 8 likewise is patentable over Shrader in view of Sharples et al. and further in view of Gabler et al.

Claim 13 recites a web-based system comprising “a client system comprising a browser, a data storage device for storing a plurality of data files such that access to the plurality of data files is limited to authorized individuals, and a server system configured to be coupled to said client system and said database, said browser configured to display the data files from a web page that includes a viewer for displaying the plurality files in a

simulated animated format, said browser further configured to permit an end-user to determine a sequential order of the data files.”

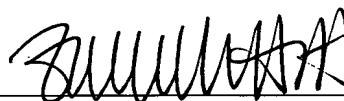
None of Shrader, Sharples et al., nor Gabler et al., considered alone or in combination, describe or suggest a web-based system including a browser that is configured to display the data files from a web page that includes a viewer for displaying the plurality files in a simulated animated format. Rather, in contrast to the present invention, Shrader describe a graphics control display mechanism that is implemented as a client-side process such as a computer program, for example, a Java applet, a browser plug-in, a standalone application written in native code, a distinct process built into the web browser, or part of the integral web browser functionality, Sharples et al. describe data visualization software running on the user station that retrieves network data, including telephone call records, traffic data, or traffic management statistics, from a database, processes the retrieved network data for visualization, and displays the network data to the user, and Gabler et al. describe that JPEG is a popular image compression technique, but none of Shrader, Sharples et al., nor Gabler et al., considered alone or in combination, describe or suggest a web-based system including a browser that is configured to display the data files from a web page that includes a viewer for displaying the plurality files in a simulated animated format. For at least the reasons set forth above, Claim 13 is submitted to be patentable over Shrader in view of Sharples et al. and further in view of Gabler et al.

Claims 14-20 depend from independent Claim 13. When the recitations of Claims 14-20 are considered in combination with the recitations of Claim 13, Applicants submit that dependent Claims 14-20 likewise are patentable over Shrader in view of Sharples et al. and further in view of Gabler et al.

For the reasons set forth above, Applicants respectfully request that the Section 103 rejection of Claims 3-5, 8, and 14-20 be withdrawn.

In view of the foregoing amendments and remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'William J. Zychlewicz', written over a horizontal line.

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